

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jonathan DeLine )  
Serial No.: 10/708,433 ) Confirmation No.: 2432  
Filed: March 3, 2004 )  
Group Art Unit: 2617 )  
Examiner: Marcos L. Torres )  
Title: APPARATUS FOR MOBILE )  
TERMINAL DISPLAY )

---

Box AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NEW APPEAL BRIEF IN COMPLIANCE WITH 37 CFR 41.37**

Real Party in Interest

Sony Ericsson Mobile Communications AB is the real party in interest.

Related Appeals and Interferences

There are no other appeals or interferences, known to the Appellants, or Appellants' legal representatives, which will directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

Status of Claims

Claims 1-3 are cancelled. Claims 4-10 are pending. The August 10, 2006 final rejection of all pending claims is being appealed herein.

Status of Amendments

There were no amendments filed after the final office action of August 10, 2006. Applicants chose to proceed directly with this appeal. All previous papers filed by Applicants have been entered.

Summary of Claimed Subject Matter

The application includes two independent claims, claims 1 and 6.

Claim 1 defines a mobile terminal comprising a housing enclosing electronic components operable to transmit and receive telecommunication signals and user input means for providing user input to the mobile terminal. A display electrically connected to the electronic components in the housing is mounted to the housing for movement from a first position where the display at least partially conceals the user input means and a second position such that the user input means is exposed and accessible to the user. A flip cover is electrically connected to the electronic components in the housing and includes user input means for providing user input to the mobile terminal. The flip cover is pivotally mounted to the housing and movable between a closed position where the inner major surface of the flip cover is opposite a outer major surface of the display when the display is in the first position and an open position. The flip cover is sized to substantially conceal the outer major surface of the display and the inner major surface of the housing when in the closed position. Display rotating means for rotating the display are interposed between the display and the pivotal mounting for allowing the display to rotate relative to the housing and the flip cover in a direction perpendicular to the axis of the pivotal mounting for positioning one of the major surfaces of the display against the inner major surface of the housing or the flip cover.

Claim 6 defines a mobile terminal as defined in claim 1 including a housing, a display, and a flip cover, and further comprising a rotational joint mounted between the housing and the display for allowing the display to rotate relative to the housing and the flip cover in a plane about an axis perpendicular longitudinal axis of the housing.

User input means on the housing and flip cover, as recited in claims 1 and 6, are described, for example, at paragraphs [0017], [0018] and [0032] of the specification for the flip cover, and paragraphs [0026] and [0032] for the housing and best seen in FIGs. 1 and 4-9.

A display rotating means is also recited in claim 1 and is described in the specification, for example, paragraphs [0022]-[0025] and best seen in FIGs. 2 and 3.

Grounds of Rejection to be Reviewed on Appeal

Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0158999 of Shima in view of Mizuta (EP 1298890). The examiner correctly notes that Shima does not specifically disclose means for rotating the display for allowing the display to rotate in a direction perpendicular to the axis of the pivotal mounting for positioning one of the inner major surface or the outer major surface of the display against the inner major surface of the housing or the flip cover. The examiner relies on Mizuta which, according to the examiner, discloses a mobile terminal for use in a wireless communication system comprising a rotational joint mounted between the housing and the display for allowing the display to rotate in a plane about an axis perpendicular longitudinal axis of the housing, wherein the display is mounted to the housing at a position along the longitudinal axis of the housing. The examiner concludes it would have been obvious to one of the ordinary skill in the art to combine these teachings for the simple purpose of easier view to the user.

Arguments

Applicant respectfully submits that the examiner has not made a *prima facie* case for obviousness since there is no motivation or suggestion to combine the references. Shima discloses a pivoting three-part phone. Mizuta merely shows a jackknife phone with the traditional housing and flip cover as is well known. A person of ordinary skill in the art would not be motivated by Shima to look to Mizuta to provide a rotational joint for the display.

Further, the examiner's argument is merely hindsight reconstruction in view of the presently claimed invention. Shima fails to recognize and thus realize the advantages which the Applicant has achieved in his invention, much less provide the motivation to combine Shima with Mizuta. If the features were indeed obvious, they would have been disclosed in at least one of the references relied upon by the Examiner.

Even assuming the examiner has made a *prima facie* case for obviousness, the Applicant respectfully submits that independent claims 1 and 6 patentably distinguish from the above references. Claims 1 and 6 recite, *inter alia*, a mobile terminal comprising a housing, a display movably mounted to the housing for movement relative to the housing, and a flip cover pivotally mounted to the housing and movable relative to the housing and the display. Means for rotating

the display, such as a rotational joint, is provided between the housing and the display for allowing the display to rotate. These features, with the advantages described above, are neither taught nor suggested by the references.

Therefore, Applicant believes claims 4 and 6 define a novel mobile terminal which is not disclosed by the prior art either alone or in any reasonable combination.

Claims 5 and 7-10 of the present application all depend from claims 4 and 6. In addition to the distinguishing features recited in claims 4 and 6 and discussed above, the mobile terminal of the present invention has additional advantageous features defined in the dependent claims which further distinguish the present invention over the prior art. The references do not disclose or suggest these features with their many advantages.

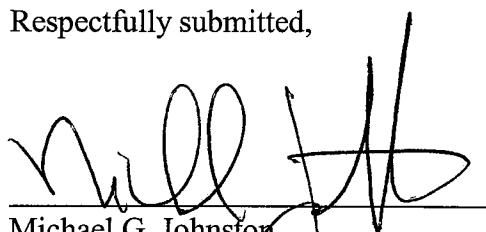
Conclusion

For the reasons state above, Applicant respectfully submits that the rejection standing in this application is improper. The Examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. §103. Therefore, Applicant respectfully submits that claims 3-10 are in condition for allowance. Accordingly, the reversal of the rejection of claims 3-10 is respectfully requested.

Respectfully submitted,

Date: September 12, 2007

By:

  
Michael G. Johnston  
Registration No. 38,194  
Attorney for Applicants  
P.O. Box 13706  
Research Triangle Park, NC 27709  
Telephone: (919) 286-8000  
Facsimile: (919) 286-8199

## Appendix

The following is a clean copy of the claims involved in this appeal.

4. A mobile terminal for use in a wireless communication system, comprising:

a housing having an inner major surface and an opposed outer major surface and enclosing electronic components operable to transmit and receive telecommunication signals, the inner major surface of the housing including means for providing user input to the mobile terminal;

a display having an inner major surface and an opposed outer major surface and electrically connected to the electronic components in the housing, the display movably mounted to the housing for movement relative to the housing from a first position where the inner major surface of the display is opposite the inner major surface of the housing for at least partially concealing the user input means of the housing and a second position such that the user input means of the housing is exposed and accessible to the user; and

a flip cover having an inner major surface and an opposed outer major surface and electrically connected to the electronic components in the housing, the inner major surface of the flip cover including means for providing user input to the mobile terminal, the flip cover pivotally mounted to the housing and movable relative to the housing and the display between a closed position where the inner major surface of the flip cover is opposite the outer major surface of the display when the display is in the first position and an open position, the flip cover being sized to substantially conceal the outer major surface of the display and the inner major surface of the housing when in the closed position, and

means for rotating the display interposed between the display and the pivotal mounting, the rotating means allowing the display to rotate relative to the housing and the flip cover in a direction perpendicular to the axis of the pivotal mounting for positioning one of the

inner major surface or the outer major surface of the display against the inner major surface of the housing or the flip cover.

5. A mobile terminal for use in a wireless communication system as recited in claim 4, further comprising a hinge connecting the housing, the flip cover, and the display, the hinge providing the axis of movement of the housing, the flip cover and the display, and wherein the display rotating means is a movable support attached to the hinge and to an edge of the display.

6. A mobile terminal for use in a wireless communication system, comprising:

a housing having an inner major surface and an opposed outer major surface and enclosing electronic components operable to transmit and receive telecommunication signals, the inner major surface of the housing including means for providing user input to the mobile terminal;

a display having an inner major surface and an opposed outer major surface and electrically connected to the electronic components in the housing, the display movably mounted to the housing for movement relative to the housing from a first position where the inner major surface of the display is opposite the inner major surface of the housing for at least partially concealing the user input means of the housing and a second position such that the user input means of the housing is exposed and accessible to the user; and

a flip cover having an inner major surface and an opposed outer major surface and electrically connected to the electronic components in the housing, the inner major surface of the flip cover including means for providing user input to the mobile terminal, the flip cover pivotally mounted to the housing and movable relative to the housing and the display between a closed position where the inner major surface of the flip cover is opposite the outer major surface of the display when the display is in the first position and an open position, the flip cover being sized to substantially conceal the outer major

surface of the display and the inner major surface of the housing when in the closed position, and

a rotational joint mounted between the housing and the display for allowing the display to rotate relative to the housing and the flip cover in a plane about an axis perpendicular longitudinal axis of the housing.

7. A mobile terminal for use in a wireless communication system as recited in claim 6, wherein the display is mounted to the housing at a position along the longitudinal axis of the housing.
8. A mobile terminal for use in a wireless communication system as recited in claim 6, wherein the display is mounted to the housing at a position spaced from the longitudinal axis of the housing.
9. A mobile terminal for use in a wireless communication system as recited in claim 6, wherein the rotational joint allows the display to rotate by at least about degrees.
10. A mobile terminal for use in a wireless communication system as recited in claim 6, wherein the user input means of the housing and the flip cover comprises a keypad apparatus disposed within the housing and the flip cover, the keypad apparatus also electrically connected to the electronic components in the housing so that tactile input can be received.